



## Senate

General Assembly

**File No. 504**

February Session, 2008

Substitute Senate Bill No. 202

*Senate, April 7, 2008*

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING THE ACQUISITION OF ABANDONED CEMETERIES BY MUNICIPALITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this  
2       section, "abandoned cemetery" means a cemetery in which no burial  
3       has been made during the previous forty years and in which the lots or  
4       graves have not been maintained during the previous ten years except  
5       for maintenance rendered by the municipality in which such cemetery  
6       is located.

7       (b) Any municipality may acquire an abandoned cemetery,  
8       including ownership of any unoccupied lots or grave sites in such  
9       cemetery. Such municipality may cause a survey of such cemetery to  
10      be completed in order to ascertain the extent of such cemetery. The  
11      municipality shall use due diligence in identifying any owners of the  
12      abandoned cemetery or any of the cemetery's unoccupied lots or grave  
13      sites and shall provide notice to such owners of the municipality's

14 intention to acquire the abandoned cemetery. In the event that a  
15 municipality is unable to locate such an owner, the municipality shall  
16 publish notice of its intention to acquire the abandoned cemetery in a  
17 newspaper having a general circulation in such municipality. Such  
18 notice shall be published for a period of three successive weeks.

19 (c) The notice described in subsection (b) of this section shall give a  
20 basic description of the abandoned cemetery, by reference to the  
21 municipality's tax maps, and shall set a date and place where  
22 objections to the acquisition of the cemetery by the municipality will be  
23 heard.

24 (d) Any owner who receives notice pursuant to subsection (b) of this  
25 section may reassert his or her right of ownership over the abandoned  
26 cemetery, unoccupied lot or grave site, as applicable, by sending  
27 written notice of his or her objection to the municipality not later than  
28 fourteen days after his or her receipt of notice pursuant to subsection  
29 (b) of this section. Any owner who reasserts his or her rights pursuant  
30 to this subsection shall promptly comply with all municipal ordinances  
31 concerning such abandoned cemetery, unoccupied lot or grave site.

32 (e) In the event that no objection is received by the municipality  
33 pursuant to subsection (d) of this section within fifteen days of the last  
34 date of publication of the notice described in subsections (b) and (c) of  
35 this section, title to such abandoned cemetery and any unoccupied lots  
36 or graves shall vest in such municipality. Whenever title vests in a  
37 municipality pursuant to this subsection, such municipality shall  
38 record a confirmation of such vesting, including a basic description of  
39 the cemetery, on the land records of the municipality in which such  
40 cemetery is located.

41 (f) If title to an abandoned cemetery vests with a municipality  
42 pursuant to subsection (e) of this section, such municipality shall  
43 maintain title to such cemetery and shall not transfer title to such  
44 cemetery. For any such cemetery, the municipality that gains title  
45 pursuant to subsection (e) of this section shall maintain the  
46 characteristics of such cemetery and make no changes in the use of

47 such cemetery land.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>from passage</i>	New section
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**Statement of Legislative Commissioners:**

In the last sentence of section 1(e), "on the land records of the municipality in which" was substituted for "in the registry of deeds within the town that" for accuracy.

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	Cost	Potential	Potential

**Explanation**

The bill allows municipalities to acquire abandoned cemeteries under certain conditions. The bill prohibits a municipality that acquires an abandoned cemetery from transferring its title. It further requires the municipality to maintain the characteristics of the cemetery and bans it from making any changes to the land's use.

As this bill is permissive, it is expected that a municipality would only acquire an abandoned cemetery when it is in the town's best interest. However, any municipality that acquires an abandoned cemetery will incur costs to "maintain the characteristics" of the cemetery. The extent of these costs is indeterminate.

Since the bill bans a municipality from making any land use changes to an abandoned cemetery, the bill will have no fiscal impact on a town's grand list.

**OLR Bill Analysis****sSB 202*****AN ACT CONCERNING THE ACQUISITION OF ABANDONED CEMETERIES BY MUNICIPALITIES.*****SUMMARY:**

This bill allows municipalities to acquire abandoned cemeteries, with certain conditions. An “abandoned cemetery” is one where (1) no burial has occurred during the last 40 years and (2) the only maintenance of lots or graves during the last 10 years has been done by the municipality in which the cemetery is located.

EFFECTIVE DATE: Upon passage

**ACQUISITION PROCESS**

The bill allows municipalities to acquire abandoned cemeteries, including ownership of unoccupied lots or grave sites. Prior to acquiring an abandoned cemetery, a municipality may complete a survey of the cemetery to ascertain the extent of the cemetery. It must use due diligence to try to identify the owners of the abandoned cemetery or the unoccupied lots or grave sites.

***Notice of Intention to Acquire***

The bill requires a municipality to notify owners that it locates of its intention to acquire the cemetery. If the municipality is unable to find any owner, it must publish a notice, for at least three successive weeks, of its intention to acquire the abandoned cemetery in a newspaper having general circulation in the municipality. The notice must provide a basic description of the cemetery by reference to the municipality’s tax maps. It must also set a date when, and place where, objections to the acquisition may be heard.

***Owner’s Right to Object***

Under the bill, any owner who receives a notice, whether directly or through the newspaper, may reassert ownership over the abandoned cemetery or unoccupied lot or gravesite, as applicable. To reassert ownership, an owner must send a written notice, within 14 days of receiving the municipality's notice, objecting to the acquisition. Upon reasserting ownership, an owner must promptly comply with all municipal ordinances concerning the abandoned cemetery, unoccupied lot, or gravesite.

***Title Vests with Municipality***

If the municipality does not receive an objection within 15 days of the notice's last publication date, the title of the abandoned cemetery and any unoccupied lots or graves vests with the municipality. In that case, it must record a confirmation of the vesting, including a basic description of the cemetery, on its land records.

The bill prohibits a municipality that acquires an abandoned cemetery from transferring its title. It further requires the municipality to maintain the characteristics of the cemetery and bans it from making any changes to the land's use.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea    11        Nay    0        (03/19/2008)